

AMENDED IN SENATE JUNE 24, 2008

AMENDED IN ASSEMBLY APRIL 28, 2008

AMENDED IN ASSEMBLY APRIL 2, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2000

Introduced by Assembly Member Mendoza

February 15, 2008

An act to add Section 65584.095 to the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2000, as amended, Mendoza. General plan: housing element.

The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a housing element that identifies and analyzes existing and projected housing needs and includes a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.

The Planning and Zoning Law requires each local government to review its housing element as frequently as appropriate to evaluate certain data.

This bill would allow a local government in which housing units *newly* constructed *during a planning period* exceeded, ~~during a planning period,~~ its share of the regional housing need for a particular income level ~~as allocated to that local government for that planning period, or as set forth in the local government's housing element,~~ to count any housing units *newly* constructed in excess of its share of the regional housing need for an income level toward meeting its share of the

regional housing need for that same or a higher income level for the period covered by the subsequent planning period.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65584.095 is added to the Government
2 Code, to read:

3 65584.095. (a) A local government in which housing units
4 ~~constructed exceeded, during a planning period, its share of the~~
5 ~~regional housing need for a particular income level as allocated to~~
6 ~~that local government for that planning period, or as set forth in~~
7 ~~the local government's housing element for that planning period,~~
8 ~~may count any housing units constructed newly constructed during~~
9 ~~a planning period exceeded its share of the regional housing need~~
10 ~~for a particular income level for that planning period, as~~
11 ~~determined under Section 65584, may count any housing units~~
12 ~~newly constructed in excess of its share of the regional housing~~
13 ~~need for an income level toward meeting its share of the regional~~
14 ~~housing need for that same or a higher income level for the~~
15 ~~subsequent planning period. In order to count any excess units,~~
16 ~~the units shall meet criteria established by the department for~~
17 ~~determining the appropriate income level. These criteria shall~~
18 ~~include a requirement that excess units counted against the~~
19 ~~extremely low, very low, and low-income levels shall be subject~~
20 ~~to deed restrictions or covenants recorded against the property~~
21 ~~ensuring continued affordability of rental housing for at least 55~~
22 ~~years and imposing resale restrictions for a period of not less than~~
23 ~~30 years, or shared net appreciation requirements on ownership~~
24 ~~housing.~~

25 (b) A local government that qualifies for and makes use of
26 subdivision (a) shall identify in its housing element the number of
27 and income level of any housing units *newly* constructed in excess
28 of its share of regional housing need for the previous planning
29 period that it is counting towards meeting its share of the regional
30 housing need for the current planning period.

31 (c) A local government may qualify for and make use of
32 subdivision (a) only if the local government ~~had~~ *is in compliance*
33 *with both of the following:*

1 (1) *Had* adopted a housing element for the planning period
2 during which the excess housing units were constructed that the
3 department had determined pursuant to Section 65585 to be in
4 substantial compliance with this article or if an eligible city or
5 county within the jurisdiction of the San Diego Association of
6 Governments had adopted a self-certification of compliance with
7 its adopted housing element, pursuant to Section 65585.1.

8 (2) *Has submitted to the department the annual progress report*
9 *required under Section 65400 within 12 months preceding the*
10 *adoption of the housing element for the subsequent planning*
11 *period.*

O